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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VALVE, L.L.C., a Washington limited
liability company,

Plaintiff,

v.

SIERRA ENTERTAINMENT INC. (AKA
SIERRA ON LINE INC.), a Delaware
corporation, et al.,

Defendants.

CASE NO. C02-1683Z

MINUTE ORDER

The following Minute Order is made at the direction of the Court, the Hon. Mary Alice
Theiler, United States Magistrate Judge:

The Court held a telephone conference on January 5, 2005 in order to resolve
a number of discovery disputes in this matter. Having considered the arguments of the parties
and all documents submitted to the Court, the Court found as follows:

1. By January 31, 2005, defendants shall produce privilege logs for all documents that
they have already produced (including logs for documents that have been either entirely
withheld or partially redacted). At the option of the party producing the document, documents
that consist of e-mail chains may be logged as one document with the required information
identified in the privilege log, rather than treating each response in the chain as a separate
document. Henceforward, privilege logs must be produced within 15 days of all further
productions.

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1 2. Defendants will produce the Blizzard documents for those custodians identified in
2 plaintiff's November 5, 2004 letter by January 10, 2005, to include the additional custodian that
3 has been identified by Defendants. By January 14, 2005, defendants will produce a list of
4 people that defendants believe to be likely custodians of a significant quantity of Blizzard
5 documents. Defendants will produce those documents by January 28, 2005. If plaintiff is not
6 satisfied with this production, it may bring the issue to the attention of the court.

7 3. Defendants will file a declaration verifying that the only distributors given express
8 rights to the distribution of Valve games to cybercafes in the Asian-Pacific region are those six
9 distributors referenced in Kirstin Wineke's previous declaration filed in this matter on February
10 9, 2004.

11 4. Defendants clarified that the Bates numbers set forth on the face pages are the Bates
12 numbers for the native files cross-referenced on the face pages.

13 5. The "kit lists" requested by plaintiffs have been provided.

14 6. Hubert Larenaudie's deposition may be noted for January 26, 2005. If his medical
15 condition does not permit him to be deposed at that time, or if he needs medical
16 accommodation (such as longer breaks or successive, shorter deposition sessions), and if the
17 parties are not able to agree thereon, defendants may ask the court to resolve the issue.

18 7. Plaintiff may schedule the Singapore, Australia, and Korea depositions as identified
19 in plaintiff's letter of January 4, 2005 at approximately the same time as the two Korean
20 depositions currently scheduled for January 20 and 21, 2005. Plaintiff may also schedule the
21 European depositions identified in its January 4, 2005 letter during the two weeks of January 17
22 and 24, 2005.

23 8. Defendants will produce the spreadsheets and e-mail reviewed by Cris Schenk on
24 December 16, 2004 during the lunch break of his deposition, as referenced at page 116 *et seq.*
25 of Mr. Schenk's deposition transcript.

26 9. Plaintiff will produce a declaration from a knowledgeable individual stating in detail
the steps that were taken to recover documents lost when Gabe Newell reformatted his hard

1 drive in early October 2003.


2 10. Defendants contend that unexpectedly few documents have been produced by
3 certain Valve employees. Defendants should either inquire specifically of the individuals
4 through deposition or by propounding an interrogatory to ascertain the completeness of the
5 search for responsive documents by these individuals.

6 11. Plaintiff agrees that its document production for certain employees was over-
7 inclusive, in that spam folders and other personal materials were inadvertently produced, adding
8 to the volume of production. If defendants can establish for any given individual that more than
9 25 percent of the documents produced were objectively not responsive, defendants can seek to
10 recover reasonable costs for reviewing and culling out those documents exceeding the 25
11 percent threshold.

12 This minute order shall be sent to counsel and to the Honorable Thomas S. Zilly.

13 DATED this 7 day of January, 2005.

14 BRUCE RIFKIN, Clerk

15 By: 
16 Deputy Clerk